GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES - Endowment Department - Allegation of corruption Act, 1988 against the Accused Officer Sri N.Venkateswara Rao, Executive Officer, Baligattam Group of Temples, Narsipatnam Mandal, Visakhapatnam District - Trapped on 22.06.2017 - Departmental proceedings initiated under Rule 20 of the A.P. Civil Services (Classification, Control and Appeal) Rules, 1991 - Articles of Charges - Issued.

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REVENUE (VIGILANCE-VII) DEPARTMENT

G.O.Rt.No.240

Dated:10.03.2023
Read the following:-

1. From the DG, ACB lr. Rc.No.94/RCT-WVP/2017-S.11, Dt.03.08.2017 & 28.09.2019.
2. Govt., Memo.No.19022/37/2017-VIG-IV-REV, Dt.03.04.2020.
3. From the DG, ACB lr. Rc.No.94/RCT-WVP/2017-S.11, Dt.27.02.2023.

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ORDER:

It is proposed to hold an enquiry against Sri N.Venkateswara Rao, Executive Officer, Baligattam Group of Temples, Narsipatnam Mandal, Visakhapatnam District, in accordance with the procedure laid down in Rule 20 of the A.P.Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A statement of imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

3. Sri N.Venkateswara Rao, Executive Officer, Baligattam Group of Temples, Narsipatnam Mandal, Visakhapatnam District is directed to submit within 10 days of the receipt of the order, a written statement of his defence.

4. Sri N.Venkateswara Rao, Executive Officer, Baligattam Group of Temples, Narsipatnam Mandal, Visakhapatnam District is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should therefore, specifically admit or deny each article of charge.

5. Sri N.Venkateswara Rao, Executive Officer, Baligattam Group of Temples, Narsipatnam Mandal, Visakhapatnam District is further informed that if he does not submit his written statement of defence on or before the date specified in para-3 above or otherwise fails or refuses to comply with the provisions of rule 20 of Andhra Pradesh Civil Services (CCA) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex parte.

6. Attention of Sri N.Venkateswara Rao, Executive Officer, Baligattam Group of Temples, Narsipatnam Mandal, Visakhapatnam District is invited to Rule 24 of the A.P.Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of the matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Sri N.Venkateswara Rao, Executive Officer, Baligattam Group of Temples, Narsipatnam Mandal, Visakhapatnam District is aware of such a representation and that it has been made at his instance and action will be taken against him for

7. The receipt of the G.O. be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

HARI JAWAHARLAL M
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
Sri N.Venkateswara Rao, Executive Officer, Baligattam Group of Temples, Narsipatnam Mandal, Visakhapatnam District through the Commissioner of Endowments, Vijayawada (He is requested to serve the Article of Charges on Himself and have his dated acknowledgement on the duplicate copy and submit to this office).
The Commissioner of Endowments , Gollapudi,Vijayawada.

Copy to:
The Director General,
Anti Corruption Bureau,
Andhra Pradesh, Vijayawada.
The P.S to Principal Secretary to Government (Endt.)
SF/SCs.

//FORWARDED :: BY ORDER//

R. Vijay Kishore
SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI NARISEY VENKATESWARA RAO, AGED ABOUT 61 YEARS, WORKED AS EXECUTIVE OFFICER GRADE-III, BALIGHATTAM GROUP OF TEMPLES, NARSIPATNAM MANDAL, VISAKHAPATNAM DISTRICT

That Sri Narisey Venkateswara Rao, S/o Naganna Dora (Late), 61 years, Executive Officer Grade-III, Balighattam group of temples, Narsipatnam Mandal, Visakhapatnam district (hereinafter referred as Govt. Servant) while functioning as such during the period between 05-11-2013 to 22.06.2017, he has committed grave misconduct in as much.

ARTICLE OF CHARGE:

That *the* Government Servant failed to give satisfactory explanation for Rs.12,000/- that was found in his possession on the day of trap i.e on 22.06.2017 at about 0945 hours.

Thus, Sri Narisey Venkateswara Rao, S/o Naganna Dora (Late), 61 years, Executive Officer Grade-III, Balighattam group of temples, Narsipatnam Mandal, Visakhapatnam district by the above-mentioned acts exhibited lack of devotion to duty, failed to maintain integrity, behaved in a manner unbecoming of a Government Servant and brought down the prestige of the Government and thereby he contravened/violated Rule 3(1) & 3(2) R/w 9 (BA) of APCS (Conduct) Rules, 1964.

HARI JAWAHARLAL M
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

// FORWARDED :: BY ORDER//

R. Vijay Kishore
SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOR IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST SRI N. VENKATESWARA RAO, EXECUTIVE OFFICER, BALIGHATTAM GROUP OF TEMPLES, NARSIPATNAM MANDAL, VISAKHAPATNAM DISTRICT PRESENTLY WORKING AS E.O SRI PANDU RANGASWAMY TEMPLE PAYAKARAOPETA, ANAKAPALLI DISTRICT

That Sri Narisey Venkateswara Rao, S/o. Naganna Dora (Late), Executive Officer Grade-Ill, Baligattam group of temples, Narsipatnam Mandal, Visakhapatnam district, native of Upamaka (V), Nakkapalli **(M),** Visakhapatnam district presently working as E.O at Sri Pandurangaswamy temple Payakaraopeta, Anakapalli district. His date of birth is 01-10-1962. He was appointed as Clerk on 01-09-1990 at Group Temples, Payakaraopeta. Promoted as Person-in-Management, Sri Rajalingeswara ST., Kothakota and group temples on 07-09-2001. Subsequently he was promoted as Grade-Ill Executive Officer (By Transfer of Service), Group Temples, Balighattam on 05-11-2013 and discharged his duties as Grade-III Executive Officer 05-11-2013 to 22-06-2017. He is due to retire on attaining the age of superannuation on 30.09.2024. He is hereinafter referred to as Government Servant (G.S.)

CHARGE

That *the* Government Servant failed to give satisfactory explanation for Rs.12,000/- that was found in his possession on the day of trap i.e on 22.06.2017.

FACTS AND EVIDENCE:

That on 20-06-2017 at 10.00 hrs., the complainant Sri Patchigolla Eswara Rao, S/o. late Appala Narasaiah, aged 46 years, of Krishna Bazar, Narsipatnam came to the ACB office and presented a written report against Sri N. Venkatswara Rao, Executive Officer Grade-Ill, Balighattam Group of temples, Narsipatnam and requested the DSP ACB Visakhapatnam to take necessary action against the Accused Officer. The contents of the complaint are that he is maintaining and looking after the Gosala of Sri BrahmanandaAshramam at Balighattam village, Narsipatnam mandal for the last 18 years. On 10.02.2006, Endowment department took over the lands of Brahmananda Ashramam but they did not take over the Gosala. Endowment department conducted auction of the lands belonging to Brahmananda Ashramam every year and paid an amount of Rs.3,000/- per month for maintenance of that Gosala from the earnings obtained from auction since 01.04.2008 till 31.03.2013 and further increased the amount paid for maintenance of that Gosala to Rs.4,000/- per month from 01.04.2013 till 28.02.2017. As the maintenance of Cosala was not possible out of the payments made by the Endowments department, the complainant made a representation to all concerned officers of Endowments department on 06.02.2017 for enhancing the amount to be paid for maintenance of that Gosala to Rs.28,250/- per month. The complainant also met the Asst. Commissioner of Endowments, Anakapalli in this regard. Later, in the month of March 2017, the Dy. Commissioner of endowments instructed Sri N.Venkateswara Rao, Executive officer, Balighattam group temples to look in to the matter and act according to the instructions of the Asst. Commissioner, Visakhapatnam. On 05.06.2017, Sri N.Venkateswara Rao, Executive Officer, Balighattam group of temples, called the complainant to his office and informed that earlier they used to pay an amount of Rs.4000/- per month for maintenance of gosala and they have enhanced the rate to Rs.6,000/- per month from April 2017 and they would also pay the pending dues for the month of March 2017. Altogether, he would issue cheque for an amount of Rs.16,000/- for maintenance of gosala. For issuing that cheque of Rs.16,000/- for maintenance of gosala, Sri N.Venkateswara Rao, Executive Officer, Balighattam group of temples demanded an amount of Rs.10,000/- as bribe. The complainant informed the EO that the gosala is not his own establishment and he has been rendering social service as part of "Hindu Dharma Samrakshana" and he was unable to pay the demanded bribe. Then, the EO informed the complainant that he would issue the cheque as per revised rates i.e., Rs.6,000/- only if he paid the

demanded bribe or otherwise he would not issue the cheque. On 19.06.2017, the complainant once again met the EO at his office. At that time also, the EO reiterated the earlier demand for bribe and asked the complainant to pay the demanded bribe of Rs.10,000/- on 22.06.2017 to him or the person shown by him. The complainant agreed unwillingly before the AO to pay the demanded bribe to him and returned from his office. But the complainant was unwilling to pay the demanded bribe to Sri N. Venkateswara Rao, Executive Officer, Balighattam Group of temples, Narsipatnam for enhancing the amount to be paid for maintenance of Gosala to Rs.6,000/- per month and issuing cheque for Rs.16,000/- towards pending dues for the months of March, April & May 2017.

That after observing all legal formalities, the DSP,ACB, Visakhapatnam registered the Complaint of the complainant a case in Crime. No.14/RCT-ACB-VSP/2017 U/s. 7 of the Prevention of Corruption Act, 1988 of ACB, Visakhapatnam Range on 22.06.2017 at 06.00 hours and investigated into.

On 22.06.2017 from 0615, the DSP, ACB, Visakhapatnam secured the presence of two respectable mediators viz., 1) Sri Surisetty Sekhar, Executive Engineer, Under Ground Drainage, GVMC, Visakhapatnam 2) Sri Kolli Sandeep, Jr. Asst., Town Planning, GVMC., R/o. D.No.12-345/2, Balajinagar, Arilova, Visakhapatnam and secured the presence of the Complainant.

The DSP ACB, Visakhapatnam conducted pre-trap proceedings from 0615 Hrs. to 0730 Hrs., on 22.06.2017 which was reduced into writing by the mediators as pre-trap proceedings incorporating the serial numbers of the currency notes, the demonstration of chemical tests and the instructions issued to complainant and the other members of the party.

On 22.06.2017 at about 0945 hours, the Government servant was successfully trapped by the ACB officials when he further demanded and accepted the bribe of Rs.10,000/- from the Complainant for showing the above said official favour. When the DSP, ACB questioned complainant as to what had happened, after he had alighted from the vehicle on that day of trap. Then the complainant stated that after he had left the trap party, he went to the office of Sri N.Venkateswara Rao, EO and met him. On seeing him, the EO Sri N.Venkateswara Rao asked him whether he had brought the demanded bribe amount of Rs.10,000/-. He responded positively, took out the tainted amount of Rs.10,000/- from his left side shirt pocket and gave the same to Executive Officer Sri N.Venkateswara Rao who received the bribe amount of Rs.10,000/- with his right hand, counted that amount with both hands and kept the same in his left side shirt pocket. Then the EO handed over to him cheque No.55487 dtd.19.06.2017 for Rs.16,000/- of Andhra Bank, Narsipatnam in his name after obtaining his acknowledgment on two vouchers each for Rs.11,000/- and Rs.5,000/- dtd.22.06.2017. Then he left from the room of Government servant gave pre-arranged signal to trap party within no time, the DSP and other ACB Officials came there, the DSP and his staff surrounded him. The chemical test was conducted on both hand fingers of Sri N.Venkateswara Rao, E.O grade-III, Balighattam group temples yielded positive result. The tainted currency was recovered from the left side shirt pocket of Sri N. Venkateswara Rao, The serial numbers of the recovered currency notes were tallied with that of the serial number of the currency notes mentioned in the pre-trap proceedings. The inner linings of the AO's left side cream colour half sleeved shirt pocket of Sri N. Venkateswara Rao, E.O, which came into contact with tainted currency notes, was also subjected to chemical test and it yielded positive result. The DSP secured resultant solutions into three separate bottles, the tainted currency notes and cream colour half sleeved shirt of Sri N. Venkateswara Rao, E.O., and seized under cover of the mediators report. The DSP also seized the sample of sodium carbonate powder used in the chemical test under the cover of mediators report.

(Conted..3)

The DSP got conducted the personal search of Sri N.Venkateswara Rao, EO and found a wallet containing cash of Rs.12,255/- in his right side trouser pocket and a Redmi mobile phone vide IME No.865221031508589 & 865221031508597 along with SIM 7780377302 used by him. When the DSP questioned the Govt. Servant about the possession of said amount of Rs.12,255/-, the Govt. Servant could not give satisfactory reply for Rs.12,000/- and stated that the remaining amount of Rs.255/- was his personal cash. Hence, the DSP returned Rs.255/- to G.S. The DSP seized the unaccounted cash of Rs.12,000/- and Redmi mobile phone used by G.S under cover of mediators report.

As per the memorandum No.12400-A/162/OP.SC/87 Finance & planning (Fin.wing.OP.Spl.cell) Department, Dt: 04.12.1987 and also G.O.Ms.No.200,Dt: 26-03-2007 of General Administration (SER-C) Department, AP., the Government servant has to declare personal cash at the time of reporting duty if in excess of Rs.500/-

Hence the charge against the Government servant that he failed to give satisfactory explanation for Rs.12,000/- that was found in his possession on the day of trap is held substantiated.

Thus Sri N.Venkateswara Rao, Executive Officer, Baligattam Group of Temples, Narsipatnam Mandal, Visakhapatnam district now working as E.O at Panduranga swamy temple Payakaraopeta by his above-mentioned acts exhibited lack of devotion to duty, failed to maintain integrity, behaved In a manner unbecoming of a Government Servant and brought down the prestige of the Government and thereby contravened/ violated Rule 3(1) & 3(2) R/w 9 (BA) of APCS (Conduct) Rules, 1964.

Thus the Government servant Sri Narisey Venkateswara Rao, S/o. Naganna Dora (late), Executive Officer Grade-III, Baligattam group of temples, Narsipatnam Mandal, Visakhapatnam district, rendered himself for a regular departmental enquiry for major penalty under Rule 20 of APCS (CC&A) Rules, 1991.

HARI JAWAHARLAL M
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

// FORWARDED :: BY ORDER//

R. Vijay Kishore
SECTION OFFICER

ANNEXURE-III

ORAL EVIDENCE ON THE BASIS OF WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SRI N. VENKATESWARA RAO, EXECUTIVE OFFICER, BALIGHATTAM GROUP OF TEMPLES, NARSIPATNAM MANDAL, VISAKHAPATNAM DISTRICT PRESENTLY WORKING AS E.O SRI PANDU RANGASWAMY TEMPLE PAYAKARAOPETA, ANAKAPALLI DISTRICT

01	Sri Patchigolla Eswara Rao, R/o. Krishna bazaar, Narsipatnam, Visakhapatnam District.(Complainant)
	Speaks about the contents of his complaint dt.20.06.2017submitted to the DSP, ACB, Visakhapatnam Range. He also stated about the contents of Mediators' Reports I & II dated 22.06.2017 to the extent concerning him. His statement u/sec.164 of Cr.P.C. was recorded by the Ld. Addl. Judicial First Class Magistrate, Yelamanchili, Visakhapatnam on 22.07.2017.
02	Sri Batta Veera Raghava, Junior Asst., O/o. EO, Balighattam group temples, Krishna Bazar, Narsipatnam, Visakhapatnam District.
	Speaks about that on 22.06.2017 at about 0955 hours when he attended the office, he noticed that some officials were present in the office room of EO Sri N. Venkateswara Rao and he came to know about the trap laid against EO Sri N.Venkateswara Rao by ACB officials when he further demanded and accepted bribe amount of Rs.10,000/- from Sri P.Eswara Rao
03	Smt.Nunna Sujatha, W/o. Sri Data Rajasekhara Kondala Rao, Asst.Commissioner of Endowments, Visakhapatnam.
	Speaks about the procedural aspect pertaining to enhance the amount to be paid for maintenance of the said Gosala of Brahmananda Ashramam, came to know that sri Sri N.Venkateswara Rao, Executive Officer, Baligattam Group of Temples, Narsipatnam Mandal was caught red handed by the ACB while he was accepting bribe amount of Rs.10,000/- from Sri P.Eswara Rao.
04	Sri Mangipudi Sridhar, Inspector, Endowments department, Visakhapatnam, R/o. D.No. 22-100-9, Reading Room, Gandhipeta, Visakhapatnam.
	Speaks about the receipt of application of Sri P. Eswara Rao for enhancement of the budget for the maintenance of Gosala and further correspondence with the superior officers.
05	Sri Nagavarapu Venkata Satyanarayana Murthy, Dy. Commissioner of Endowments, Visakhapatnam
	Speaks about the receipt of application of Sri P. Eswara Rao for enhancement of the budget for the maintenance of Gosala and forwarded the same to Asst.Comissioner of Endowments, Visakhapatnam for further proceedings.
06	Sri.Surisetty Sekhar,Executive Engineer, Under Ground Drainage, GVMC, Visakhapatnam.
	He is the first mediator. He stated about the contents of Mediators' Reports I & II dt.22.06.2017 including the possession of an unaccountable cash Rs. 12,255/- with the A.O
07	Sri Kolli Sandeep, Jr. Asst., Town Planning, GVMC., R/o. D.No. 12-345/2, Balaiinagar, Arilova, Visakhapatnam.
	He is the second mediator. He stated about the contents of Mediators' Reports I & II dt.22.06.2017including the possession of an unaccountable cash Rs.12,255/- with the AO

HARI JAWAHARLAL M
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

// FORWARDED :: BY ORDER//

R.Vijay Kishore
SECTION OFFICER

ANNEXURE-IV

LIST OF DOCUMENTARY EVIDENCE BY WHOM BY THE ARTICLE OF CHARGES FRAMED AGAINST SRI N. VENKATESWARA RAO, EXECUTIVE OFFICER, BALIGHATTAM GROUP OF TEMPLES, NARSIPATNAM MANDAL, VISAKHAPATNAM DISTRICT PRESENTLY WORKING AS E.O SRI PANDU RANGASWAMY TEMPLE PAYAKARAOPETA, ANAKAPALLI DISTRICT.

01	Written complaint dt.20.06.2017 given by the complainant Sri.P. Eswara Rao
	It reveals about the facts of the demand of bribe amount of Rs.10,000/- by the AO for doing official favour of enhancing maintenance amount paid for maintenance of the said Gosala to Rs.6,000/- per month and for issuing cheque of Rs.16,000/- towards pending dues for the months of march, April & May 2017.
02	F.I.R. in Cr.No.14/RCT-VSP/2017, dt.22.06.2017
	It reveals that a report was received from the complainant with regard to demand of bribe and registration of the case against the AO.
03	Mediators' Report-I
	It reveals the pre-trap happenings dt.22.06.2017.
04	Mediators' Report-II
	It revealed the post trap happenings, dtd.22.06.2017.
05	Application dated 06.02.2017 of the complainant addressed to the Commissioner, Endowments, Vijayawada, Budget proposals and its enclosures, proceedings vide DDisNo.A3/2174/2017 Admn. Dtd.31.05.2017 of Asst. Commissioner, Endowments, Visakhapatnam, permission letter of AO vide Re No.38/2017 dtd. 26.05.2017, two vouchers dtd.19.06.2017 for Rs.5,000/- & Rs.11,000/- of Sri P. Eswara Rao etc. containing pass book of SB Account No. 038310011049774 of Andhra Bank, Narsipatnam in the name of Brahmananda Ashram, Balighattam.
	It reveals that the complainant applied to enhance the amount to be paid for maintenance of the said Gosala of Brahmananda Ashramam
06	Lr.Rc.No.81/2774/2017 dated13.07.2017 of the Asst. Commissioner, Endowments Department, Visakhapatnam.
	To prove that the A.O is a Government servant.
07	Lr. Re. No. 81/2886/2017 dated 19.07.2017 of the Asst. Commissioner, Endowments Department, Visakhapatnam.
	To prove that the Asst. Commissioner, Endowments Department, Visakhapatnam furnished the suspension order, budget proposals submitted by AO.
08	Call data records (CDRs) of the Accused officer obtained from the Nodal Officer, Reliance Corporate IT Park Ltd, Vijayawada.
	To prove that the Accused Officer contacted the Complainant (9441226272) by using his mobile No. 7780377302 prior to the trap i.e. on 02.06.2016, 13.06.2017 & 19.06.2017.
09	Proceedings Rc.No.A3/2174/2017, Admin. dated 31-05-2017 of the Asst. Commissioner of Endowments, Visakhapatnam. It revealed the budget estimate charges for the year 2017-18 of the E.O., Brahmananda Ashramam, Balighattam.
10	Proceedings Rc.No.J3/55970/1988 dated 13-06-1988 of the Commissioner of Endowments, Hyderabad.
	It revealed that the lands of Brahmananda Ashramam, Balighattam was considered as Hindu Religious and Charitable institutions and published u/s.6 (c)(i) of the Act 30 of 1987 in Visakhapatnam district.
11	Statement of the complainant recorded u/s 164 Cr.P.C
	It revealed about the facts of the complaint, pre-trap and post-trap proceedings recorded by the Ld.Addl. Judicial Magistrate of First Class, Yelamanchili on 22.07.2017.

(P.T.O)

Any other document to be filed at the time of enquiry

HARI JAWAHARLAL M
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

// FORWARDED :: BY ORDER//

R. Vijay Kishore
SECTION OFFICER